IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE V. V.S. RAO

Writ Petition No. 19346 of 2005

Dated: 01st September 2005

Between:

Kum.T.Haritha Naga Durga and another … Petitioners

And

The Vice-Chairman,

Hyderabad Urban Development Authority,

Begumpet, Hyderabad.

… Respondent

Oral Order:

The petitioners are owners of a residential plot bearing Plot No.26 in S.No.68 and 69 admeasuring 960 sq. yds. situated in Madapur Village, Serilingampally Mandal and Municipality, Ranga Reddy District. The property was gifted in the name of the minor petitioners by their grandmother in 1999. They allege that without issuing any notice, the officials of Hyderabad Urban Development Authority (HUDA) came to the property with bulldozers and other

machines to demolish the properties for the purpose of laying four-lane road from Jawaharlal Nehru Technological University (JNTU), Kukatpally to Hi-Tech City. Aggrieved by the same, the present writ petition is filed.

Under A.P. Urban Areas (Development) Act, 1975 the urban authority like HUDA is not vested with any power to acquire land by itself. Such power under Section 18 is conferred on the Government to acquire the land for the purpose of development. Section 18-A, however, permits the urban authority to negotiate with the owners with the prior approval of the District Collector duly paying the value determined by the District Collector for the acquired land. It is not denied by the learned Standing Counsel for HUDA that both these steps are not taken by or on behalf of the respondent.

Be that as it is, as the petitioners have not given consent for road widening, to hand over possession of the affected portion, the only alternative available to HUDA is to take recourse to Section 18-A and acquire the land in accordance with law. Till such exercise is initiated and completed, the petitioners cannot be deprived of their right to enjoy their property nor HUDA can demolish the structures. Till then, status quo shall be maintained.

The writ petition, with the above observations, is accordingly disposed of.

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(V.V. S. Rao, J)

01st September 2005.

Note:

Office to issue operative portion of the

Order by wire at party's cost.

(By order)

svs